

EXHIBIT 4

San Manuel Band of Mission Indians

July 30, 2024

Danelle Harrison, Forest Supervisor
San Bernardino National Forest
U.S. Forest Service
U.S. Department of Agriculture
602 S Tippecanoe Avenue
San Bernardino, CA 92408

Michael Nobles, Front Country District Ranger
San Bernardino National Forest
U.S. Forest Service
U.S. Department of Agriculture
602 S Tippecanoe Avenue
San Bernardino, CA 92408

Re: Formal Request for Government-to-Government Consultation with USDA, USFS, and San Bernardino National Forest Regarding Termination of Special Use Permit FCD728503 and Formal Request for Recission of Such Termination, or in the Alternative, Stay of the Implementation of Such Termination During Consultation

Dear Forest Supervisor Harrison and District Ranger Nobles:

It has come to the attention of the Yuhaaviatam of San Manuel Nation, also known as the San Manuel Band of Mission Indians (the "Nation") that the U.S. Department of Agriculture's Forest Service ("Forest Service"), through the San Bernardino National Forest Supervisor's Office, has issued a notice letter to BlueTriton Brands, Inc. ("BlueTriton") denying BlueTriton's Application for Use and Occupancy of National Forest Lands and terminating Special Use Permit FCD728503 (the "Termination Notice"). Such Termination Notice demanded that BlueTriton cease all operations and stop all water diversion, including the water that the Nation relies upon to operate its Arrowhead Springs property ("Arrowhead Springs"), by this Friday, August 2, 2024.

The Nation's ancestral territory encompasses what is now known as the San Bernardino National Forest. When the Nation reacquired Arrowhead Springs, the Nation reclaimed one of the most sacred and culturally significant cultural landscapes to the Nation and the Serrano people. The Nation, contrary to the assertion in the Termination Notice, has active operations at Arrowhead Springs, including government offices, hotel, resort, recreational, cultural and fire protection facilities. The Nation will not be able to fully operate such facilities and, more importantly, will be left without water needed for fire suppression and safety during the dangerous summer fire season if the Termination Notice is implemented. Indeed, the Nation's Fire Department, as well as other local and state fire and emergency response agencies, rely on Arrowhead Springs water to fight fires that frequently occur in the area. The importance of the water to the Nation and the Nation's right to such water was acknowledged by the State Water Resources Control Board's ("SWRCB") in its cease and desist order to BlueTriton adopted September 19, 2023. The SWRCB specifically allowed BlueTriton to continue to deliver the water to the Nation while requiring that BlueTriton cease its commercial bottling activity. The Termination Notice did not take into consideration such important Tribal uses and rights and was done without proper notice or consultation with the Nation in contradiction of the Forest Services' trust responsibility and policies.

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The Forest Service has a trust responsibility to protect the Nation's resources and assets and an obligation to consult with the Nation prior to taking any action that impacts such resources and assets. In carrying out its obligations with tribes, the federal government "has charged itself with moral obligations of the highest responsibility and trust. Its conduct, as disclosed in the acts of those who represent it in dealings with [tribes], should therefore be judged by the most exacting fiduciary standards." *Seminole Nation v. United States*, 316 U.S. 286, 296-97 (1942). Joint Secretarial Order 3403 (2023) "establishes that both the USDA and the DOI will manage Federal lands and waters in a way that protects the treaty, religious, subsistence, and cultural interests of federally recognized Indian Tribes and is consistent with the nation-to-nation relationship between the United States Government and federally recognized Tribes and the U.S. Government's trust obligations." The Forest Service's manual provides that "[t]he Government's trust responsibilities and treaty obligations make it essential that the Forest Service engages with Indian tribes in timely and meaningful consultation on policies that may affect one or more Indian tribes. Consultation alone is not sufficient. In addition to consultation, coordination and collaboration together lead to information exchange, mutual understanding, informed decision-making, and mutual benefit."

Accordingly, the Nation respectfully requests that the Termination Notice be rescinded as to the Nation's water or, in the alternative, the implementation of the Termination Notice be stayed as to the Nation's water to allow the USDA, USFS and the San Bernardino National Forest to have the required consultation regarding the impact of such action on the Nation and its resources and assets. The Nation believes that through such consultation a collaborative solution can be found that is in keeping with the trust responsibility to protect the Nation and its assets and resources and the resources of the San Bernardino National Forest.

We respectfully ask that you provide a response to the Nation's above request no later than 12noon Pacific on Thursday, August 1, 2024.

Sincerely,

Daniel J Little

Dan Little, Chief Government Affairs Officer
Yuhaaviatam of San Manuel Nation